

MONTANA LEGISLATIVE HISTORY

Chapter 562 19 81

Bill H 390 S _____

Original bill & history ☒ c

H. Committee on State Admin

Hearing Date(s) 1/30 ☒ c

_____ c

_____ c

_____ c

Date Out 1/30 _____ c

S. Committee on Local Gov't

Hearing Date(s) 3/10 _____ c

_____ c

_____ c

3/10 _____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HOUSE BILL NO. 390

INTRODUCED BY WINSLOW

IN THE HOUSE

January 21, 1981	Introduced and referred to Committee on State Administration.
January 23, 1981	Fiscal note requested.
January 28, 1981	Fiscal note returned.
January 30, 1981	Committee recommend bill do pass as amended. Report adopted.
February 2, 1981	Bill printed and placed on members' desks.
February 3, 1981	Second reading, do pass.
February 4, 1981	Correctly engrossed.
February 6, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 7, 1981	Introduced and referred to Committee on Local Government.
March 11, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 13, 1981	Second reading, concurred in. Segregated.
March 14, 1981	Second reading, concurred in as amended.
March 17, 1981	Third reading, concurred in as amended. Ayes, 49; Noes, 1.

LC 1174/01

IN THE HOUSE

March 17, 1981

Returned from Senate with amendments.

April 7, 1981

Second reading, amendments not concurred in.

On motion Conference Committee requested.

April 8, 1981

Conference Committee appointed.

April 15, 1981

Conference Committee reported and dissolved.

April 20, 1981

Second reading, Conference Committee report adopted.

On motion rules suspended and Conference Committee report placed on third reading this day.

Third reading, Conference Committee report adopted. Ayes, 95; Noes, 0. Sent to Senate.

IN THE SENATE

April 20, 1981

Conference Committee report adopted.

IN THE HOUSE

April 20, 1981

Returned from Senate. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 390
2 INTRODUCED BY Winkler

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE USE OF ANY
5 PUBLIC BUILDING EXCEPT A JAIL OR HOSPITAL AS A POLLING
6 PLACE; AMENDING SECTION 13-3-105, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 13-3-105, MCA, is amended to read:

10 "13-3-105. Designation of polling place. (1) The
11 county governing body shall designate the polling place for
12 each precinct no later than 30 days before a primary
13 election. The same polling place shall be used for both the
14 primary and general election if at all possible. Changes may
15 be made by the governing body in designated polling places
16 up to 10 days before an election if a designated polling
17 place is not available. Polling places may be located
18 outside the boundaries of a precinct.

19 (2) Not more than 10 or less than 2 days before an
20 election, the election administrator shall publish in a
21 newspaper of general circulation in the county, a statement
22 of the locations of the precinct polling places. Notice may
23 also be given as provided in 2-3-105 through 2-3-107.

24 (3) An election administrator may make changes in the
25 location of a polling place if an emergency occurs 10 days

1 or less before an election. Notice shall be posted at both
2 the old and new polling places, and other notice may be
3 given by whatever means available.

4 ~~(4) Any public building except a jail or hospital may~~
5 ~~be used as a polling place. Such building must be furnished~~
6 ~~at no charge as long as no structural changes are required~~
7 ~~in order to use the building as a polling place."~~

-End-

-2- INTRODUCED BILL

HB 390

April 14 19 81

JOINT CONFERENCE COMMITTEE
ON SENATE AMENDMENTS TO HOUSE BILL NO. 390

(Report No. 1, April 14, 1981)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Joint Conference Committee on House Bill No. 390, met April 14, 1981, and considered:

Senate Local Government Committee Amendments to the third reading copy, dated March 11, 1981, and;

Senate Committee of the Whole Amendments to the third reading copy, dated March 14, 1981, and recommend as follows:

That the House accede to Standing Committee amendment nos. 1 and 2, dated March 11, 1981;

That the Senate recede from all Committee of the Whole amendments, dated March 14, 1981;

That the reference copy of House Bill No. 390 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Joint Conference Committee Report to House Bill No. 390 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 5.

Following: "~~PUB~~lie"

Strike: "PUBLIC"

Insert: "PUBLICLY OWNED"

2. Page 2, line 5.

Following: "~~OWNED~~"

Insert: "publicly owned"

3. Page 2, lines 5 and 6.

Following: "building"

Strike: ", WHETHER OR NOT PUBLICLY OWNED,"

4. Page 2, lines 7 and 8.

Following: "place"

Strike: "PROVIDED THE OWNER OR OWNERS OR OTHER PERSONS IN CHARGE CONSENT TO SUCH USE"

(cont'd)

April 14

19 81

Joint Conference Committee on
House Bill No. 390
Page 2

FOR THE HOUSE:

Oliver Winslow
Winslow, Chairman

John Ryan
Ryan

Gay Holliday
Holliday

FOR THE SENATE:

George McCallum
McCallum, Chairman

Hammond

Bill Thomas
Thomas

Chas

HOUSE BILL NO. 390

INTRODUCED BY WINSLOW

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE USE OF ANY
~~PUBLIC PUBLIC PUBLICLY-OWNED PUBLICLY OWNED~~ BUILDING EXCEPT
~~A--JAIL--OR--HOSPITAL~~ AS A POLLING PLACE; AMENDING SECTION
13-3-105, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-3-105, MCA, is amended to read:

"13-3-105. Designation of polling place. (1) The
county governing body shall designate the polling place for
each precinct no later than 30 days before a primary
election. The same polling place shall be used for both the
primary and general election if at all possible. Changes may
be made by the governing body in designated polling places
up to 10 days before an election if a designated polling
place is not available. Polling places may be located
outside the boundaries of a precinct.

(2) Not more than 10 or less than 2 days before an
election, the election administrator shall publish in a
newspaper of general circulation in the county, a statement
of the locations of the precinct polling places. Notice may
also be given as provided in 2-3-105 through 2-3-107.

(3) An election administrator may make changes in the

location of a polling place if an emergency occurs 10 days
or less before an election. Notice shall be posted at both
the old and new polling places, and other notice may be
given by whatever means available.

~~(4) Any public PUBLIC PUBLICLY-OWNED PUBLICLY OWNED
building--WHETHER--OR--NOT--PUBLICLY-OWNED, except-a-jail-or
hospital may be used as a polling place PROVIDED--THE--OWNERS
OR--OTHER--PERSONS--IN--CHARGE--CONSENT--TO--SUCH--USE. Such
building must be furnished at no charge as long as no
structural changes are required in order to use the building
as a polling place."~~

-End-

March 11, 1981

SENATE STANDING COMMITTEE REPORT
(Local Government)

That House Bill No. 390 be amended as follows:

1. Title, line 5.
Following: Line 4
Strike: "PUBLIC"
Insert: "PUBLICLY OWNED"
2. Page 2, line 4.
Following: "Any"
Strike: "public"
Insert: "publicly owned"

March 14, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendments to House Bill 390, third reading copy, as follows:

THAT THE FOLLOWING AMENDMENTS OF THE SENATE STANDING COMMITTEE ON LOCAL GOVERNMENT OF MARCH 11, 1981, BE STRICKEN:

1. Title, line 5.
Following: line 4.
Strike: "PUBLIC"
Insert: "PUBLICLY OWNED"

2. Page 2, line 4.
Following: "Any"
Strike: "public"
Insert: "publicly owned"

AND, FURTHER, THAT THE FOLLOWING AMENDMENTS BE MADE TO THE BILL:

1. Page 2, line 4.
Following: "Any"
Strike: "public"
Following: "building"
Insert: ", whether or not publicly owned,"

2. Page 2, line 5.
Following: "place"
Insert: "provided the owners or other persons in charge consent to such use"

STATE OF MONTANA

REQUEST NO. 200-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 23, 19 81, there is hereby submitted a Fiscal Note
for House Bill 390 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon request.

Description of Proposed Legislation

Proposed legislation allows the use of any public building except a jail or
hospital as a polling place.

Fiscal Impact

No fiscal impact to the state or to local governments is anticipated.

Lyle Manley, for
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1-28-81

GOVERNOR'S AMENDMENTS

HOUSE 2ND READING: 4/20, YEAS: 82; NAYS: 6
ON MOTION, 4/20, RULES SUSPENDED, PLACED ON 3RD READING
HOUSE 3RD READING: 4/20, YEAS: 90; NAYS: 4

SENATE 2ND READING: 4/22, BE CONCURRED IN
ON MOTION, 4/22, RULES SUSPENDED, PLACED ON 3RD READING
SENATE 3RD READING: 4/22, YEAS: 47; NAYS: 0

TRANSMITTED TO GOVERNOR: 4/27
ACTION: SIGNED, 5/1
CHAPTER 598

HB 390—WINSLOW—TO ALLOW THE USE OF ANY PUBLICLY OWNED BUILDING
POLLING PLACE.

FISCAL NOTE: REQUIRED
INTRODUCED: 1/21
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/21
HEARING: 1/30
REPORT: DO PASS, 1/30
2ND READING: 2/3, YEAS: 90; NAYS: 0
3RD READING: 2/6, YEAS: 95; NAYS: 1

TRANSMITTED TO SENATE: 2/6
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 2/7
HEARING: 3/10

REPORT: 3/11, BE CONCURRED IN, AS AMENDED
2ND READING: 3/13, BE CONCURRED IN
SEGREGATED: 3/13, PURPOSE OF AMENDMENTS
2ND READING: 3/14, BE CONCURRED IN, AS AMENDED
3RD READING: 3/17, YEAS: 49; NAYS: 1

RETURNED TO HOUSE WITH AMENDMENTS: 3/17
2ND READING: 4/7, BE NOT CONCURRED IN MOTION
YEAS: 84; NAYS: 4
ON MOTION, 4/7, REFERRED TO CONFERENCE COMMITTEE.

JOINT CONFERENCE COMMITTEE REPORT NO. 1: 4/14

HOUSE
2ND READING: 4/20, YEAS: 91; NAYS: 0
ON MOTION, 4/20, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 4/20, YEAS: 95; NAYS: 0
SENATE
2ND READING: 4/17, BE CONCURRED IN
ON MOTION, 4/17, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 4/17, YEAS: 48; NAYS: 1

TRANSMITTED TO GOVERNOR: 4/23
ACTION: SIGNED, 4/29
CHAPTER 562

HB 391—WINSLOW, O'HARA, HANNAH, ET AL—TO AUTHORIZE A DEDUCTION
CHARITABLE CONTRIBUTIONS AS A PART OF THE STANDARD DEDUCTION OF
RESIDENT INDIVIDUAL IN COMPUTING TAXABLE INCOME.

FISCAL NOTE: REQUIRED
INTRODUCED: 1/21
REFERRED TO COMMITTEE ON TAXATION: 1/21
HEARING: 1/26
REPORT: DO NOT PASS, 2/5
REPORT: ADOPTED, 2/7

BILL KILLED: 2/7 YEAS: 82; NAYS: 12

392—KANDUCH, PAVLOVICH, KEYSER, ET AL—TO GENERALLY REVISE THE
MINE RECLAMATION LAW.

INTRODUCED: 1/21
REFERRED TO COMMITTEE ON NATURAL RESOURCES: 1/21
HEARING: 2/6
BILL TABLED IN COMMITTEE

393—VINGER, HARP, SHONTZ, ET AL—TO REMOVE THE REQUIREMEN
BOARDS OF COUNTY COMMISSIONERS MUST PUBLISH A DETAILED LIST OF
EXPENSE CLAIMS.....

INTRODUCED: 1/21
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 1/21
HEARING: 2/19
REPORT: DO PASS AS AMENDED, 2/21
2ND READING: 2/23, YEAS: 66; NAYS: 27
3RD READING: 2/25, YEAS: 67; NAYS: 27

TRANSMITTED TO SENATE: 2/25
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 3/3
HEARING: 3/18
REPORT: 3/27, ADVERSE REPORT ADOPTED
YEAS: 38; NAYS: 1
BILL KILLED IN COMMITTEE

394—ASAY—TO PERMIT A COUNTY GOVERNING BODY TO ADOPT AN ORD
REGULATING, RESTRAINING, OR PROHIBITING THE PUBLIC DISPLAY
CONSUMPTION OF BEER OR LIQUOR.

INTRODUCED: 1/21
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 1/21
HEARING: 2/10
REPORT: DO PASS AS AMENDED, 2/13
2ND READING: 2/17, YEAS: 46; NAYS: 40
MOTION, 2/17, TO RECONSIDER ACTION AND PLACE THE BILL BA
2ND READING: 2/19, YEAS: 74; NAYS: 7
2ND READING: 2/19, YEAS: 31; NAYS: 56
DO NOT PASS MOTION, 2/19, YEAS: 62; NAYS: 25
BILL KILLED ON 2ND READING: 2/19

395—MEYER—TO INCLUDE UTILITY PLANTS IN SERVICE OR
CONSTRUCTION WITHIN THE MEANING OF "PROPERTY USED AND USEFUL FO
CONVENIENCE OF THE PUBLIC".

INTRODUCED: 1/21
REFERRED TO COMMITTEE ON TAXATION: 1/21
ON MOTION, TAKEN FROM COMMITTEE ON TAXATION AND REREFERRED
COMMITTEE ON BUSINESS AND INDUSTRY: 1/24
HEARING: 2/11
REPORT: DO NOT PASS, 2/17
REPORT: ADOPTED, 2/18
BILL KILLED: 2/18 YEAS: 76; NAYS: 22

396—ANDERSON, KEEDY, YARDLEY, ET AL—TO ADOPT THE REVISED UN
ENFORCEMENT OF FOREIGN JUDGMENTS ACT.

INTRODUCED: 1/21
REFERRED TO COMMITTEE ON JUDICIARY: 1/21
HEARING: 2/2
REPORT: DO PASS AS AMENDED, 2/6
2ND READING: 2/10, YEAS: 80; NAYS: 0
3RD READING: 2/12, YEAS: 97; NAYS: 1

MEMBERS OF THE STATE ADMINISTRATION COMMITTEE
47th ASSEMBLY
HOUSE OF REPRESENTATIVES

STATE LAW LIBRARY

MAY 19 1981

OF MONTANA

REPRESENTATIVE JAMES AZZARA
REPRESENTATIVE HAROLD BRIGGS
REPRESENTATIVE ANN MARY DUSSAULT
REPRESENTATIVE BEN HANSON
REPRESENTATIVE GAY HOLLIDAY
REPRESENTATIVE JOE KANDUCH
REPRESENTATIVE ROLAND KENNERLY
REPRESENTATIVE PAUL KROPP
REPRESENTATIVE KATHLEEN McBRIDE
REPRESENTATIVE GLENN MUELLER
REPRESENTATIVE HELEN O'CONNELL
REPRESENTATIVE JOHN PHILLIPS
REPRESENTATIVE PAUL PISTORIA
REPRESENTATIVE JOHN RYAN
REPRESENTATIVE CARL SMITH
REPRESENTATIVE BOBBY SPILKER
REPRESENTATIVE CALVIN WINSLOW
REPRESENTATIVE WALTER SALES (Vice-Chairman)
REPRESENTATIVE G. C. JERRY FEDA (Chairman)

LOIS MENZIES - Committee Researcher

CATHY MARTIN - Secretary

ROLL CALL

HOUSE STATE ADMINISTRATION COMMITTEE

47 LEGISLATIVE SESSION, 19 81

P= PRESENT

E= EXCUSED

L= LATE

A= ABSENT

Date

Name	1/28	1/29	1/30	2/2	2/3	2/4	2/5	2/6	2/9	2/10	2/11	2/12	2/13	2/16
AZZARA, JAMES	A	A	A	A	A	A	A	A	A	A	A	A	A	A
BRIGGS, HAROLD	P	P	P	P	P	L	P	L	P	P	P	P	P	P
DUSSAULT, ANN MARY	P	P	P	P	E	P	A	P	P	E	L	P	L	P
FEDA, G.C. (Chair.)	P	P	P	P	P	P	P	P	P	P	E	P	P	P
HANSON, BEN	P	P	E	P	P	P	L	P	P	P	P	P	P	P
HOLLIDAY, GAY	P	P	P	P	P	P	P	P	P	P	P	P	P	P
KANDUCH, JOE	E	P	P	P	P	L	P	P	P	P	P	P	P	P
KENNERLY, ROLAND	P	E	P	P	P	E	P	P	P	P	L	P	P	P
KROPP, PAUL	P	P	P	P	P	P	P	P	E	P	P	P	P	P
McBRIDE, KATHLEEN	P	P	P	P	P	P	P	P	P	P	P	P	P	P
MUELLER, GLENN	P	P	P	P	P	P	P	P	P	P	P	P	P	P
O'CONNELL, HELEN	E	E	E	E	P	P	P	A	P	L	P	E	E	P
PHILLIPS, JOHN	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PISTORIA, PAUL	P	P	P	P	L	P	P	A	P	P	P	P	P	P
RYAN, JOHN	E	E	L	P	P	P	P	P	P	P	P	P	P	P
SALES, WALTER(V.C.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
SMITH, CARL	P	P	P	P	P	P	P	P	P	P	P	P	P	P
SPILKER, BOBBY	P	P	P	P	E	P	P	P	L	P	P	P	P	P
WINSLOW, CALVIN	P	P	P	P	P	P	P	P	A	P	P	P	P	P

STATE ADMINISTRATION

COMMITTEE

NOTIFICATION SHEET

Bill #	Date Hearing	Committee Members	Sponsor	Chief Clerk	Received from Sgt. at Arms
HB 303	1/28	1/23	BROWN	1/20	died in comm. 1/20
HB 311	1/27	1/23	BRAND	1/20	DNP 1/20
SB 26	3/9/81		NORMAN		BCIAA 1/20
HB 270	1/27	1/23	SALES	1/20	DPAA 1/20
HB 271	1/28	1/23	THOFT	1/20	DPAA 1/20
HB 274	1/27	1/23	BRAND	1/20	DPAA 1/20
HB 275	1/28	1/23	HEMSTAD	1/20	DPAA 1/20
HB 287	1/28	1/23	FABREGA	1/20	DPAA 1/20
HB 290	1/26	1/23	KEEDY	1/20	DPAA 1/20
HB 291	1/29	1/23	HUENNEKENS	1/20	DNP DPAA2/10 1/20
HB 296	1/28	1/23	NORDTVEDT	1/20	DPAA 1/20
HB 297	1/27	1/23	SALES	1/20	DNP 1/20
HB 313	1/29	1/23	JENSEN	1/22	TABLED 1/22
HB 327	1/29	1/23	KANDUCH	1/22	died in comm. 1/22
HB 328	1/29	1/23	KANDUCH	1/22	DNP 1/22
HB 329	1/30	1/23	KANDUCH	1/22	DPAA 1/22
HB 330	1/29	1/23	KANDUCH	1/22	S.C. DPAA 1/22
HB 341	1/30	1/23	BARDANOUE	1/22	DP 1/22
SB 72	3/4	2/24	GALT	2/24	BCIAA 1/22
HB 314	1/30	1/23	GOULD	1/22	DNP 1/22
HB 372	1/30	1/23	SALES	1/22	S.C. DPAA 1/22
HB 390	1/30	1/23	WINSLOW	1/22	DPAA 1/23
HB 387	2/2/81	1/26/81	HART	1/26	DPAA 1/23
HB 399	2/2/81	81	QUILICI	1/26	TABLED 1/23
HB 108	2/2	1/30	ELLISON	1/29	DPAA 1/26
HB 412			MENAHAN		DNP 1/26
HB 423			PISTORIA		TABLED 1/26

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 314	PAYMENTS OF PUBLIC FUNDS BY A MUNICIPALITY TO A LOBBY-IST ORGANIZATION BE AUTHORIZED BY A VOTE OF THE ELECTORS OF THE MUNICIPALITY.	1/20	GOULD	1/30/81	DO NOT PASS	1/30
HB 372	TO, BROVIDE A METHOD FOR REVIEWING DISABILITY RETIREMENT BENEFITS OF THE JUDGES' HI. PAT, SHER, GAME WAR., & POLICE RETIREMENT SYSTEM..	1/20	SALES	1/30/81	sub-committee DO PASS AS AMENDED	1/30 2/4
HB 387	EXEMPTING THE EASTMONT TRAINING CENTER FROM THE BIDDING REQUIREMENT FOR PURCHASING CLOTHING;...	1/21	HART	2/2/81	DO PASS AS AMENDED	2/2
HB 390	ALLOW THE USE OF ANY PUBLIC BUILDING EXCEPT A JAIL OR HOSPITAL AS A POLLING PLACE	1/21	WINSLOW	1/30/81	DO PASS AS AMENDED	1/30/81
HB 399	CREATE THE DEPT. OF ECON. DEV. TO ABOLISH THE DEPT. OF COM. AFF. & TRAN. FUNCTIONS AMONG DEPT. OF ECON., LEG. AUD. DEPT. ADM., JUSTICE, HIWAY SRS ETC.	1/21	QUILICI	2/2/81 2/12/81	TABLED	2/12
HB 108	PROVIDE FOR A POLLING PROC. BY THE SEC. OF ST. OF LEG. WHEN NOT IN SES. & GOV. VETOES BILL & PROVIDE EFFECTIVE DATE...	1/22	ELLISON	2/2/81	held for amend- DO PASS AS AMENDED	2/2 2/3

	Date: 1-28 No: HB 296 DPAA	Date: 1-28 No: HB 134 DNP	Date: 1-29 No: HB 313 TABLED	Date: 1-29 No: HB 423 TABLED	Date: 1-30 No: HB 314 DNP	Date: 1-30 No: HB 341 DP	Date: 1-30 No: HB 390 DPAA	
AZZARA	ABSENT	ABSENT	ABSENT	ABSENT	ABSENT	ABSENT	ABSENT	
BRIGGS	YES	YES	YES	YES	YES	YES	YES	
DUSSAULT	YES	YES	YES	YES	YES	YES	EX	
FEDA	YES	YES	YES	YES	YES	YES	YES	
HANSON	YES	YES	YES	YES	EX	EX	EX	
HOLLIDAY	YES	NO	YES	YES	YES	YES	YES	
KANDUCH	EX	EX	EX	EX	EX	EX	EX	
KENNERLY	YES	NO	YES	YES	YES	YES	YES	
KROPP	YES	YES	YES	YES	YES	YES	YES	
McBRIDE	YES	YES	YES	YES	ABST	YES	YES	
MUELLER	YES	YES	YES	YES	YES	YES	YES	
O'CONNELL	YES	NO	YES	YES	ABSENT	ABSENT	ABSENT	
PHILLIPS	YES	NO	YES	YES	YES	YES	YES	
PISTORIA	YES	NO	YES	YES	NO	YES	YES	
RYAN	EX	EX	EX	EX	YES	YES	YES	
SALES	YES	YES	YES	YES	YES	YES	YES	
SMITH	YES	YES	YES	YES	YES	YES	YES	
SPIKER	YES	YES	YES	YES	YES	YES	YES	
WINSLOW	YES	YES	YES	YES	YES	YES	YES	
VOTE	UNAN.	11 -5	UNAN.	UNAN.	13 -1	UNAN.	UNAN.	

EXECUTIVE SESSION (cont.)

HOUSE BILL 372

SUB-COMMITTEE

There was detailed discussion concerning sections 3, 6, 9, 12 and 16 of HB 372 which deal with disability allowance reduced by earnings.

Representative Spilker said that there should be some type of safeguard in the bill to prevent retirees' from taking advantage of the system.

The idea of a built in cost-of-living adjustment was discussed.

The committee as a whole seemed to agree that a disabled retiree should not be penalized for working.

Chairman Feda said that the bill would be put into a sub-committee and possibly some amendments could be worked out. He appointed Representatives Phillips, Ryan and Kennerly to the committee.

HOUSE BILL 390

DO PASS AS AMENDED

Representative Kropp made a motion to amend HB 390 to strike "except a jail or hospital" out of the title and on page 2 line 4 of the bill. A vote was taken and carried unanimously.

Representative Kropp moved a DO PASS AS AMENDED. The motion was seconded by Representative Mueller. A vote was taken and carried unanimously.

HOUSE BILL 291

DO NOT PASS

Representative Dussault was excused at this time.

Representative Smith moved a DO NOT PASS. The motion was seconded by Representative Phillips.

Representative Spilker said that there should be some protection for the state concerning how much money can be given out. Discussion followed.

A vote was taken on the motion and carried 13 - 1.
Representative Sales voted NO.

HOUSE BILL 390-SPONSOR, Representative Winslow, stated that this bill permits a county governing body to designate any public building other than a jail or hospital as a polling place without cost to the county if no structural changes are necessary for the building to be used as a polling place. He said these buildings are provided and built by taxpayer dollars and should be available for the public to use as polling places. He said that in Yellowstone county one town had a problem because the school would not allow them to use the building and they ended up voting in a store that was willing to open to the public.

PROPOSERS

There were no proposers to HB 390.

OPPOSERS

There were no opposers to HB 390.

Chairman Feda opened for questions by the committee.

Representative Holiday said that in her district several jails are used as polling places.

Representative Winslow said jails and hospitals could be amended out of the bill.

EXECUTIVE SESSION

Representatives Azzara, O'Connell, Hanson and Kanduch were absent for executive session.

HOUSE BILL 314

DO NOT PASS

Representative Mueller moved that HB 314 DO NOT PASS. The motion was seconded by Representative Kropp. Following discussion, question being called and a vote taken. Motion carried 13 - 1. Representative Pistoria voted NO. Representative McBride abstained because she did not hear the testimony.

HOUSE BILL 341

DO PASS

Representative Mueller moved a DO PASS on HB 341. Representative Briggs seconded the motion. A vote was taken and carried unanimously.

COMMITTEE ON LOCAL GOVERNMENT

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO NOT PASS <u>DATE</u>	DO NOT PASS <u>DATE</u>	DO PASS AS AMEND. <u>DATE</u>	BE CON- CURRED IN <u>DATE</u>	BE CONC. IN AS AMENDED <u>DATE</u>	BE NOT CON- CURRED IN <u>DATE</u>
202	Returned 03/09/81	03/10/81	03/10/81					03/10/81	
202	Returned 03/14/81	03/24/81	03/24/81					03/24/81	
203	01/28/81	03/03/81	03/03/81				03/03/81		
256	02/04/81	03/05/81	03/05/81				03/05/81		
271	02/03/81	03/05/81	03/07/81					03/07/81	
295	02/18/81	03/10/81	03/27/81						03/27/81
304	02/14/81	03/14/81	03/17/81					03/17/81	
353	02/03/81	03/07/81	03/07/81				03/07/81		
357	02/14/81	03/10/81	03/18/81				03/18/81		
358	02/14/81	03/10/81	03/10/81				03/10/81		
375	02/21/81	03/12/81	03/24/81						03/24/81
390	02/07/81	03/10/81	03/10/81					03/10/81	
393	03/03/81	03/18/81	03/24/81						03/24/81
402	02/09/81	03/10/81	03/10/81						03/10/81
413	02/18/81	03/10/81	03/10/81					03/10/81	
424	02/18/81	03/12/81	03/17/81					03/17/81	

(Use Separate Sheet for Senate, House Bills, and Resolutions)

Representative Bertelsen answered that the checks were made out by the clerk and recorder.

Senator O'Hara said the clerk and recorders are under the officers. You need to have a check and balance system.

Senator McCallum asked about per diem.

Representative Bertelsen said they are not as concerned about that.

CONSIDERATION OF HOUSE BILL NO. 390:

AN ACT TO ALLOW THE USE OF ANY PUBLIC
BUILDING AS A POLLING PLACE.

Representative Winslow, District No. 65, said this problem was brought to him by a small town outside Billings where schools had been used for polling places. Because of cramped quarters it was hard to continue the polling function there. They checked around and put the polling place in a store. This is allowing any public building to be requested to be used for polling places. We want to open it up for the people running elections so they will have more buildings to choose from. It is disruptive in the school situation.

There were no opponents of the bill appearing before the committee.

Senator McCallum then called for questions from the committee.

Senator Hammond asked if you were deleting jails and hospitals.

Representative Winslow said this opens it up for any public building.

Senator Van Valkenburg asked what the current restrictions were.

Representative Winslow said he did not think there were any. They want to put it in the statutes so people realize their building may be requested to be used for polling.

Senator McCallum asked if we pass this bill would they then negotiate to see what building they would use.

Representative Winslow answered yes.

Senator O'Hara asked what the present law was.

Representative Winslow said there is none. This is putting it on the books.

Debbie Schmidt asked if this should be any publicly "owned" building.

Representative Winslow said that was the intent.

CONSIDERATION OF HOUSE BILL NO. 402:

AN ACT TO INCREASE THE FEES PAID TO
WITNESSES IN CERTAIN JUDICIAL PROCEEDINGS.

Representative Keedy, District No. 18, said this bill simply increases fees paid to witnesses in some court cases. There has not been an increase in the fee system for at least 10 years. In light of current economic conditions, they are sadly out of date. On page 1, line 16, the fee for witnesses appearing before any court of record would be paid \$25 per day instead of \$10. On page 2, line 6, witnesses in courts not of record would receive \$15 per day instead of \$3. The third part of the bill on page 2, line 20, is the main part of the bill. It allows the court to determine what level of compensation should be made for people appearing as expert witnesses, such as doctors or engineers. Most experts would be reluctant to get involved in such a case because of the low compensation. This bill provides authority. The balance of the bill is designed to bring into line the witness fees paid to persons outside the state of Montana or someone in Montana who may receive a summons to appear in a sister state to provide testimony. This provides the same level of compensation. In civil cases the fees are taxed against the losing party. There would be no fiscal impact in situations of that kind. There are some amendments that should be added. Jim Nugent of the city of Missoula has those amendments.

Jim Nugent of the city of Missoula said they have a municipal court in Missoula which is a court of record. Their jurisdiction covers misdemeanor fines. One amendment is to provide that the witness will receive only a portion of pay if their attendance is only required for less than 3 hours a day. (See attached Exhibit A.)

Representative Keedy said he totally agrees with the amendments.

Tom Honzel, County Attorneys Association, said they have run into a problem with witness fees. The present law provides \$10 per day in courts of record and those fees were set a long time ago. People they would call to testify would have to take a day off work or find a babysitter and were very reluctant to come in when they found out how much they were going to receive. They do have to come in because they received a subpoena. Judges have taken the position that expert witnesses are to be paid the same as other witnesses. They have a tough time explaining to the professionals that they only get \$10 per day. They have also tried to provide in the bill that if you are called to testify in another state, you have to be paid what you

Senator O'Hara said he is willing to go along with it because there does seem to be a need. There is a problem when the witnesses come in and find out they will only receive \$10 a day.

Senator Ochsner said it is as much of a hardship on regular witnesses as it is on professionals.

Senator McCallum asked Senator Van Valkenburg if a witness who failed to appear in court after receiving a subpoena would be held in contempt of court.

Senator Van Valkenburg said he would have to appear. If you do not pay him, he will not answer the questions properly, he will say he does not know the answer.

Senator Hammond does not feel another \$10 will make a difference.

Senator Thomas said these people should have a civic responsibility.

Senator O'Hara motioned that Section 4 be struck from the bill.

Senator Hammond made a substitute motion that the bill be not concurred in.

Senators O'Hara and Van Valkenburg were opposed, all others voted aye.

DISPOSITION OF HOUSE BILL NO. 413: Senator Van Valkenburg made a motion to amend the bill on page 2, line 9, striking "may be" and inserting "is".

The motion carried unanimously.

Senator Hammond moved the bill be concurred in as amended.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 390: Senator O'Hara made a motion to amend the bill on page 2, line 4 to strike "public" and insert "publicly owned". The motion carried unanimously.

Senator O'Hara moved the bill be concurred in as amended.

The motion carried unanimously.

The meeting was adjourned at 2:00 p.m.


Chairman George McCallum

ROLL CALL

LOCAL GOVERNMENT, COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3/10/81
12:30

NAME	PRESENT	ABSENT	EXCUSED
Senator George McCallum	✓		
Senator Jesse O'Hara	✓		
Senator H. W. Hammond	✓		
Senator J. Donald Ochsner	✓		
Senator Bill Thomas			✓
Senator Max Conover	✓		
Senator Fred Van Valkenburg	✓		

Each day attach to minutes.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/10/81 House Bill No. 390 Time 12:30

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell
Secretary, Gail Stockwell

George McCallum
Chairman, GEORGE MCCALLUM

Motion: Senator O'Hara moved the bill be
concurred in as amended.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 10 19 21

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 390

WINSLOW(O'HARA)

Respectfully report as follows: That HOUSE Bill No. 390,

third reading copy, be amended as follows:

1. Title, line 5.
Following: Line 4
Strike: "PUBLIC"
Insert: "PUBLICLY OWNED"

2. Page 2, line 4.
Following: "Any"
Strike: "public"
Insert: "publicly owned"

And, as so amended, BE CONCURRED IN

YOURPASS

G.A.